



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,504	09/24/2001	Jung-kwon Heo	1293.1187	7211

21171 7590 08/23/2004

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT PAPER NUMBER

3621

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,504

Applicant(s)

HEO, JUNG-KWON

Examiner

Salvatore Cangialosi

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-42 are rejected under 35 U.S.C. § 103 as being unpatentable over Ishiguro in view of Loiacono.

Regarding claim 1, Ishiguro (See Fig. 5) disclose the well known means for recording copies of plain text stored data files in a second encrypted format when copied substantially as claimed. The differences between the above and the claimed invention is the use of management of the copied data. It is noted that it is believed that encryption is a clear equivalent of a different coding format. Loiacono (See Figs. 1-2) show a copy management means with copy control. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ishiguro because copy protection schemes require a copy management means for billing

Art Unit: 3621

and usage determination control which are functional equivalents of the claim limitations. Regarding the different coding limitations of claim 2, the use of a encryption in Ishiguro is a functional equivalent of a different encoding. Regarding control limitations of claim 3, Loiacono obviously employ rights management counters substantially as claimed. Regarding control limitations of claim 4, Loiacono obviously employ rights management counters which are the functional equivalents of the claims. Regarding claim 5, Ishiguro (See Fig. 5) disclose the well known data structure for recording copies of plain text stored data files in a second encrypted format when copied substantially as claimed. The differences between the above and the claimed invention is the use of management of the copied data. It is noted that it is believed that encryption is a clear equivalent of a different coding format. Loiacono (See Figs. 1-2) show a copy management means with copy control. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ishiguro because copy protection schemes require a copy management means for billing and usage determination control which are functional equivalents of the claim limitations. Regarding control imitations of claim 6, Loiacono obviously employ rights management counters which are the functional equivalents of the claims. Regarding claim 7, Ishiguro (See Fig. 5) disclose the well known method for recording copies of plain text stored data

Art Unit: 3621

files in a second encrypted format when copied substantially as claimed. The differences between the above and the claimed invention is the use of management of the copied data. It is noted that it is believed that encryption is a clear equivalent of a different coding format. Loiacono (See Figs. 1-2) show a copy management means with copy control. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ishiguro because copy protection schemes require a copy management means for billing and usage determination control which are functional equivalents of the claim limitations. Regarding control limitations of claim 8, Loiacono obviously employ rights management counters substantially as claimed. Regarding control limitations of claim 9, Loiacono obviously employ rights management counters substantially as claimed. Regarding claim 10, Ishiguro (See Fig. 5) disclose the well known means for recording copies of plain text stored data files in a second encrypted format when copied substantially as claimed. The differences between the above and the claimed invention is the use of management of the copied data. It is noted that it is believed that encryption is a clear equivalent of a different coding format. Loiacono (See Figs. 1-2) show a copy management means with copy control. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ishiguro because copy protection schemes require a copy management means for

Art Unit: 3621

billing and usage determination control which are functional equivalents of the claim limitations. Regarding claim 11, Ishiguro (See Fig. 5) disclose the well known means for recording copies of plain text stored data files in a second encrypted format when copied substantially as claimed. The differences between the above and the claimed invention is the use of management of the copied data. It is noted that it is believed that encryption is a clear equivalent of a different coding format. Loiacono (See Figs. 1-2) show a copy management means with copy control. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ishiguro because copy protection schemes require a copy management means for billing and usage determination control which are functional equivalents of the claim limitations. Regarding control limitations of claim 12, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding control limitations of claim 13, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding control limitations of claim 14, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding the different coding limitations of claim 15, the use of encryption in Ishiguro is a functional equivalent of a different encoding. Regarding control limitations of claim 16, Loiacono obviously employ rights management which are the

Art Unit: 3621

functional equivalents of the claims. Regarding copy control limitations of claim 17, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding ownership limitations of claim 18, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding the coding limitations of claim 19, the use of original plain text in Ishiguro is a functional equivalent of the claimed limitations. Regarding the network limitations of claim 20, the use of same in Ishiguro is conventional. Regarding the disk limitations of claim 21, the use of element 1 in Ishiguro is a functional equivalent of the claimed limitations. Regarding the different coding limitations of claim 22, the use of decryption in Ishiguro is a functional equivalent of the claimed limitations. Regarding the multiple coding limitations of claim 23, the use of hierarchal encryption in Ishiguro is a functional equivalent of the claimed limitations. Regarding the network limitations of claim 24, the use of same in Ishiguro is conventional. Regarding claim 25, Ishiguro (See Fig. 5) disclose the well known means for recording copies of plain text stored data files in a second encrypted format when copied substantially as claimed. The differences between the above and the claimed invention is the use of management of the copied data. It is noted that it is believed that encryption is a clear equivalent of a different coding format. Loiacono (See Figs. 1-2) show a copy management means with copy control. It would have been

Art Unit: 3621

obvious to the person having ordinary skill in this art to provide a similar arrangement for Ishiguro because copy protection schemes require a copy management means for billing and usage determination control which are functional equivalents of the claim limitations. Regarding the coding limitations of claim 26, the use of encryption in Ishiguro is a functional equivalent of the claimed limitations. Regarding the network limitations of claim 27, the use of same in Ishiguro is conventional. Regarding claim 28, Ishiguro (See Fig. 5) disclose the well known means for recording copies of plain text stored data files in a second encrypted format when copied substantially as claimed. The differences between the above and the claimed invention is the use of management of the copied data. It is noted that it is believed that encryption is a clear equivalent of a different coding format. Loiacono (See Figs. 1-2) show a copy management means with copy control. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ishiguro because copy protection schemes require a copy management means for billing and usage determination control which are functional equivalents of the claim limitations. Regarding the coding limitations of claim 29, the use of encryption in Ishiguro is a functional equivalent of the claimed limitations. Regarding copy control limitations of claim 30, Loiacono obviously employ rights management which are the functional equivalents of the claims.

Art Unit: 3621

Regarding copy control limitations of claim 31, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding the network limitations of claim 32, the use of same in Ishiguro is conventional. Regarding the disk limitations of claim 33, the use of element 1 in Ishiguro is a functional equivalent of the claimed limitations. Regarding claim 34, Ishiguro (See Fig. 5) disclose the well known means for recording copies of plain text stored data files in a second encrypted format when copied substantially as claimed. The differences between the above and the claimed invention is the use of management of the copied data. It is noted that it is believed that encryption is a clear equivalent of a different coding format. Loiacono (See Figs. 1-2) show a copy management means with copy control. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Ishiguro because copy protection schemes require a copy management means for billing and usage determination control which are functional equivalents of the claim limitations. Regarding rights limitations of claim 35, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding owner limitations of claim 36, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding the coding limitations of claim 37, the use of encryption in Ishiguro is a functional equivalent of the claimed limitations. Regarding the

Serial Number: 09/960,504

9

Art Unit: 3621

coding limitations of claim 38, the use of encryption in Ishiguro is a functional equivalent of the claimed limitations. Regarding owner limitations of claim 39, Loiacono obviously employ rights management which are the functional equivalents of the claims. Regarding the coding limitations of claim 40, the use of encryption in Ishiguro is a functional equivalent of the claimed limitations. Regarding the audio limitations of claim 41, the use of digital video disk DVD(Col. 1, line 30) in Ishiguro is a functional equivalent of the claimed limitations. Regarding the image limitations of claim 42, the use of digital video disk DVD(Col. 1, line 30) in Ishiguro is a functional equivalent of the claimed limitations.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Serial Number: 09/960,504

10

Art Unit: 3621


Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park
V, 2451 Crystal Drive, Arlington, Virginia, Seventh
Floor(Receptionist).

Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the
Technology Center 3600 Customer Service Office whose telephone
number is (703) **308-4177**.


SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222